

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 Attorneys for Secured Creditor	Case No.: 17-31360-JKS Chapter: 13 Hearing Date: June 28, 2022 Judge: John K. Sherwood
In Re: Steven Linfante, Debtor, Victoria Linfante, Joint Debtor.	

LIMITED RESPONSE TO DEBTORS' MOTION TO SELL REAL PROPERTY

U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association, ("Secured Creditor"), by and through undersigned counsel, hereby files its Limited Response to Debtors' Motion to Sell Property (the "Response"), and in support thereof states as follows:

1. Steven Linfante and Victoria Linfante (collectively "Debtors") filed the instant Voluntary Petition pursuant to Chapter 13 of the United States Bankruptcy Code on October 23, 2017 (the "Petition Date").
2. Secured Creditor holds a security interest in the Debtors' real property located at 2 Birchtree Drive, Fairfield, NJ 07004 ("Subject Property") by virtue of a Mortgage recorded on August 9, 2007 in Book 12078 at Page 9097 of the Public Records of Essex County, New Jersey.
3. On February 8, 2018, Secured Creditor timely filed its Proof of Claim (*See* Claim No. 7-1) and subsequently filed an Amended Proof of Claim on November 6, 2018 (*See*

Claim No. 7-2). The Proof of Claim reflects that as of the Petition Date, Secured Creditor held a secured claim in the total amount of \$316,853.49.

4. On June 6, 2022, the Debtors filed the instant Motion to Sell Real Property (the "Motion"). The Debtors' Motion seeks the Court's approval to sell the Subject Property for a proposed sale price of \$510,000.00 (the "Proposed Sale Price").
5. As of June 17, 2022, the estimated payoff owed on Secured Creditor's lien is approximately \$331,971.84. This amount should not be relied upon as a final pay-off of the loan, as interest and additional advances may come due prior to the anticipated closing date. Upon request, Secured Creditor shall provide an updated formal payoff quote at or near the scheduled closing date.
6. Secured Creditor does not object to the Debtors' Motion to the extent that any sale is subject to Secured Creditor's lien being paid in full at the closing of said sale based upon an up-to-date payoff quote.
7. Secured Creditor is filing this Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the Subject Property absent payment in full of Secured Creditor's mortgage lien, without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).
8. Furthermore, Secured Creditor requests that failure to complete any sale within ninety (90) days of entry of the Order will result in any Order authorizing the sale to be deemed moot.
9. Secured Creditor reserves the right to supplement this Response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests the Motion be conditionally

granted; and any Order granting the Motion include the terms identified herein; and for such further and other relief as the Court deems just and proper.

Date: June 21, 2022

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

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By: /s/ Charles G. Wohlrab

Charles G. Wohlrab, Esquire

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UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 Attorneys for Secured Creditor	Case No.: 17-31360-JKS Chapter: 13 Hearing Date: June 28, 2022 Judge: John K. Sherwood
In Re: Steven Linfante, Debtor, Victoria Linfante, Joint Debtor.	

CERTIFICATION OF SERVICE

1. I, Charles G. Wohlrab, Esq., represent U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association in this matter.
2. On June 21, 2022, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below. Limited Response to Debtors' Motion to Sell Property and this Certification of Service.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: June 21, 2022

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
Attorney for Secured Creditor
10700 Abbott's Bridge Rd., Suite 170
Duluth, GA 30097
Telephone: (470) 321-7112
By: /s/ Charles G. Wohlrab
Charles G. Wohlrab, Esquire
NJ Bar Number 016592012
Email: cwohlrab@raslg.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Scott D. Sherman Minion & Sherman 33 Clinton Road Suite 105 West Caldwell, NJ 07006	Attorney for Debtors	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____
Steven Linfante 2 Birchtree Drive Fairfield, NJ 07004	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd. Suite 330 Fairfield, NJ 07004-1550	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____
U.S. Trustee US Dept. of Justice Office of the US Trustee One Newark Center Ste. 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____
Victoria Linfante 2 Birchtree Drive Fairfield, NJ 07004	Joint Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____